

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY L. ZIMMER,

Plaintiff,

v.

STATHAKIS, INC., and NINA SCHWAGLE,
jointly and severally,

Defendants.

Case No. 12-14463

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Gary L. Zimmer recently filed a two-count complaint in this court October 9, 2012, alleging retaliation in violation of federal law in Count I and retaliation in violation of Michigan law in Count II.

Although Plaintiff's cause of action arising under federal law is cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Count II are based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Count II of the complaint is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: November 13, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, November 14, 2012, using the ECF system.

s/William Barkholz
Case Manager